

PATENT  
Attorney Docket No.: 47234-5006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kohei ODA et al. ) Confirmation No.: 9431  
U.S. Application No.: 10/591,332 )  
Filed: August 31, 2006 ) Group Art Unit: Unassigned  
For: ABC TRANSPORTER INHIBITOR ) Examiner: Unassigned

**MAIL STOP PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed May 2, 2007.  
A copy of the Notification of Missing Requirements (Form PCT/DO/EO/905) is enclosed.
2. Declaration Or Oath
  - No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
  - The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
  - The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.
3. English Translation of Non-English Language Papers
  - Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.
  - Also enclosed is the Verification of Translation Document
4. Small Entity Statement(s)
  - Applicant(s) hereby assert small entity status.

5. Fee Calculation

Basic National Stage Fee: \$300.00				Previously Paid
	Number Filed	Number Extra	at a Rate of	
Total Claims	8 - 20 =	0	\$50.00 each=	\$0.00
Independent Claims	2 - 3 =	0	\$200.00 each=	\$0.00
Multiple dependent claim(s), if any			\$360.00	\$0.00
Missing Requirements Surcharge Fee			\$130.00	\$130.00
Application Size Fee \$250.00 for each additional 50 sheets that exceeds 100				\$0.00
Application Search Fee			\$400.00	Previously Paid
Examination Fee			\$200.00	Previously Paid
			<b>SUB-TOTAL</b>	<b>\$130.00</b>
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	\$0.00
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	\$0.00
			<b>TOTAL FILING FEE</b>	<b>\$130.00</b>

6. Extension of Time

10/02/2007 LLANDGRA 00000044 10591332 The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

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130.00 OP

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Extension Fee</u>	<u>Extension Fee [Small Entity]</u>
<input type="checkbox"/> One month	\$120.00	\$60.00
<input type="checkbox"/> Two months	\$450.00	\$225.00
<input checked="" type="checkbox"/> Three months	\$1,020.00	\$510.00
<input type="checkbox"/> Four months	\$1,590.00	\$795.00
<input type="checkbox"/> Five months	\$2,160.00	\$1,080.00

Extension of time fee due with this request: \$1020.00

If an additional extension of time is required, please consider this a Petition therefor.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is: Completion Fees \$1150.00  
Assignment Fees \$40.00  
Total Fee Due \$1190.00

A check in the amount of \$1190.00 to cover the above fees is enclosed

DC\615114\1

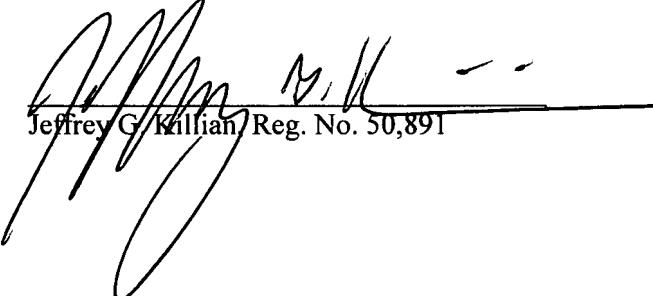
- The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0573.
- Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0573.

8. Additional papers enclosed.

- PCT/IB/338 (International Preliminary Report on Patentability)
- PCT/IB/373
- PCT/ISA/237
- PCT/IB/308
- PCT/ISA/210 (International Search Report dated )
- Information Disclosure Statement
- Form PTO-1449, 1 non-US patent documents as listed
- Assignment Recordation Cover Sheet (PTO Form-1595)
- Assignment of the invention to SUNTORY LIMITED

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

  
Jeffrey G. Killian, Reg. No. 50,891

Date: September 28, 2007  
**Customer No. 055694**  
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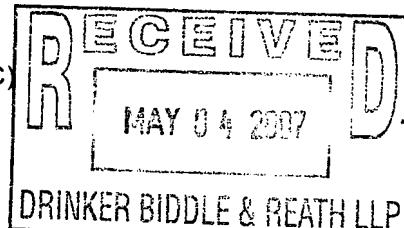


## UNITED STATES PATENT AND TRADEMARK OFFICE

Elkeen 230641  
 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/591,332	Kohei Oda	47234-5006-00-US

55694  
 DRINKER BIDDLE & REATH (DC)  
 1500 K STREET, N.W.  
 SUITE 1100  
 WASHINGTON, DC 20005-1209



INTERNATIONAL APPLICATION NO.

PCT/JP05/03365

I.A. FILING DATE	PRIORITY DATE
03/01/2005	03/02/2004

CONFIRMATION NO. 9431  
 371 FORMALITIES LETTER



\*OC000000023633698\*

Date Mailed: 05/02/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/31/2006
- English Translation of the IA filed on 08/31/2006
- Copy of the International Search Report filed on 08/31/2006
- Preliminary Amendments filed on 08/31/2006
- U.S. Basic National Fees filed on 08/31/2006
- Priority Documents filed on 08/31/2006

Docketed 517107 RUB/mkm  
 Case 47234-5006  
 Due Date 7/2/07  
 Action MISS Requirements  
 BY \_\_\_\_\_ Chk \_\_\_\_\_

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

SHELBY J VIGIL

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Telephone: (703) 308-9140 EXT 224

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/591,332	PCT/JP05/03365	47234-5006-00-US

FORM PCT/DO/EO/905 (371 Formalities Notice)